

Application No. 09/588,495
Reply to Final Office Action of Oct. 28, 2005

Docket No. 1232-4423US1

REMARKS

Applicant respectfully requests reconsideration of this application in view of the foregoing amendment and following remarks.

Status of Claims

Claims 8-12 and 15-22 are pending in this application. All of the pending claims stand rejected. By this amendment, claims 17-20 are canceled without prejudice or disclaimer, and claims 8, 15 and 16 are amended. No new matter has been introduced. After entry of this amendment, claims 8, 15 and 16 are independent in form.

Rejection Under 35 U.S.C. §101

Claims 16 and 20 have been rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter.

The Examiner citing MPEP §2106, asserts that claims 16 and 20 are rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter, namely, a "program not claimed as embodied in computer readable media and execute[d] in a computer or by a computer are descriptive material and per se and are not statutory because they are not capable of causing functional change in the computer."

Applicant respectfully traverses this rejection and in response, has herein canceled claim 20, rendering its rejection moot, and amended claim 16 for clarification. The preamble of amended claim 16 now recites "A computer readable medium on which is stored a computer executable program for controlling a data communication apparatus said program comprising code for performing the following steps" which Applicant submits complies with applicable

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requirements and that amended claims 16 is directed to statutory subject matter. Applicant therefore respectfully requests withdrawal of this ground of rejection.

Rejection Under 35 U.S.C. §102

Claims 8-12, 15-22 have been rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,360,254 to Higley. ("Higley").

Applicant respectfully disagrees with the characterization of the claims and of the teachings of the prior art in the stated rejections and respectfully traverses these rejections. Applicant respectfully submits that the claims as properly understood by those skilled in the art are patentably distinct from the cited reference.

Applicants have herein canceled claims 17-20, rendering their rejection moot.

Applicants have herein amended independent claims 8, 15 and 16 to clarify the feature of the present invention that the data communication apparatus (method) further comprises a printing unit (step), and a control unit (step) arranged to control such that the transmission by the second transmission unit (step) or the printing by the printing unit (step) is performed according to the contents of the reply received by the reception unit (step).

That is, this feature of the present invention provides to receive, after transmitting the URL representing the existence of the additional information to the transmission destination, the reply to the relevant transmission, to perform the transmission if the contents of the reply are to transmit the markup language including the additional information, and to perform the printing if the contents of the reply are to print the image according to the additional information.

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According to the present invention, it is thus possible to cause to selectively transmit the markup language including the additional information and print the image according to the additional information, according to the contents of the reply from the transmission designation.

Meanwhile, Higley discloses that the URL representing the existence of some additional information is transmitted, and the additional information is transmitted if, for example, the transmission destination clicks the transmitted URL. Fig. 10 of Higley shows a printer.

However, Higley fails to clearly specify in what case the printer operates, much less, to teach the feature of the present invention that the image based on the additional information is printed according to the contents of the reply received from the transmission destination.

As a result, it is believed that each of amended independent Claims 8, 15 and 16 is allowable over Higley as the claimed inventions as recited therein are neither taught or suggested in Higley.

Applicant respectfully submits that Higley does not teach or suggest, and therefore does not anticipate or render obvious, the claimed invention and that independent claims 8, 15 and 16, and the claims depending therefrom, therefore define patentable subject matter.

While Applicant has not addressed the rejections of dependent claims 9-11, 21 and 22 which either directly or indirectly depend from independent claims 8, 15 or 16, the dependent claims are believed to define patentable subject matter for at least similar reasons as for the independent claims from which they depend. Applicant however reserves the right to address such rejections should such be necessary and appropriate.

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AUTHORIZATION


While no fees or extensions of time are believed necessary for the filing of this paper, should an extension of time be required to render this filing timely, such is hereby petitioned, and Applicant hereby authorizes the Commissioner to charge any additional fees, or credit any overpayment to Deposit Account No. 13-4500 (Order No. 1232 - 4423US1).

An early and favorable examination on the merits is respectfully requested.

Respectfully submitted,
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